IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.604 OF 2006

Sureshsingh s/o Magansingh Rajput, Petitioner
Vs
The State of Maharashtra, Respondent

Mr J.G.Reddy, for the petitioner.
Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 18th July, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. Rule. Rule returnable forthwith. Mr Mirza, learned APP, waives service for the respondent. By consent, rule is heard finally.

3. The petitioner, in this petition, has prayed for quashing the First Information Report registered as crime no.I-15/2006 at Chhawani Police Station, Malegaon. Admittedly, the crime came to be registered against the petitioner in pursuance of the order dated 20.1.2006 of the Divisional Caste Certificates Verification Committee, Nashik Division, Nashik, invalidating the caste claim of the petitioner of belonging to Vimukta Jati Rajput Bhamta. The petitioner carried the order of the committee dated 20.1.2006 in the writ petition before this Court. This Court, vide its order dated 5.4.2006,

allowed the writ petition and the impugned order came to be quashed and set aside and the matter was remanded to the Scrutiny Committee. The relevant paragraph no.7 in the order passed by this Court in the aforesaid writ petition reads thus;

> "7. The impugned order is, therefore, quashed and set aside. The matter is remanded back to the Scrutiny Committee, which should consider the effect of each and every document as also collective effect of all the documents upon caste claim of the petitioner and then come out with its decision supported by a reasoned order. We grant liberty to the Scrutiny Committee to summon the petitioner again for an interview and more so, in case the Scrutiny Committee obtains any material adverse to the claim of the petitioner behind his back such as second interview of the Head of the Vigilence Cell Shri Sampat Gole."

It is against this backdrop the First Information Report registered at Crime No.I-15/2006 at Chhawani Police Station, Malegaon, cannot be sustained and will have to be quashed. Hence, the following order.

(i) The application is allowed. The FIR registered as Crime No.I-15/2006 at Chhawani Police Station, Malegaon is quashed.

(ii) I am informed that so far the Scrutiny Committee has not decided the claim. It is needless to express that the prosecution shall have a liberty

to register an offence against the petitioner afresh, if any such direction is given by the said Committee while deciding the claim of the petitioner after the order of remand passed by this Court.

(ii) Rule is accordingly disposed of.

(D.B.BHOSALE,J.)